IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

TUESDAY, THE 3RD APRIL 2007 / 13TH CHAITHRA 1930

WP(C).No. 5665 of 2007(Y)

PETITIONER:

M/S.NEW STAR WEAVING WORKS,
REP. BY ITS MANAGING PARTNER,
T. HAREESH KUMAR, CHIRAKKAL P.O.,
BALIAPATTAM, KANNUR-670 011.

BY ADV. SRI.C.K.SREEJITH
SRI.P.BENNY JOSEPH

RESPONDENTS:

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1. THE ASSISTANT PROVIDENT FUND
COMMISSIONER AND RECOVERY OFFICER,
EMPLOYEES PROVIDENT FUND ORGANIZATION,
V.K.COMPLEX, FORT ROAD, KANNUR.

2. EMPLOYEES PROVIDENT FUND,
APPELLATE TRIBUNAL, 7TH FLOOR,
60-SKY LAK BUILDINGS, NEHRU PALACE,
NEW DELHI-110 019.

BY SRI. R. SUDHIR - SC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 03/04/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S. SIRI JAGAN, J.

W.P.(C)NO. 5665 OF 2007

DATED THIS THE 3rd DAY OF APRIL, 2007

JUDGMENT

The petitioner challenges recovery proceedings initiated by the 1st respondent for recovery for damages imposed on the petitioner under Section 14B of the Employees Provident Funds and Miscellaneous provisions Act, for delayed payment of contributions. He has already filed an appeal before the 2nd respondent against the order imposing damages. The petitioner seeks stay of recovery of the amounts pending disposal of the appeal. This Court by order dated, 21.2.07 directed the petitioner to pay an amount of Rs.2 lakhs as a condition for granting stay. The respondent has reported that even now the petitioner has not paid that amount.

2. In the above circumstances, I am not inclined to exercise my discretionary jurisdiction in favour of the petitioner. However, it would be open to the petitioner to move the Tribunal for stay if he so chooses.

The writ petition is dismissed accordingly.

S. SIRI JAGAN, JUDGE

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